

REMARKS

Claims 20, 22, 23, 25-27 and 32-36 are pending in this application. By this Amendment, claims 17-19, 21, 24 and 28-31 are canceled; claims 20, 22, 23, 25, 27 and 32 are amended and claims 33-36 are added. Support for the amendments to claims 20 and 32 and new claims 33-36 can be found in the specification, for example, at page 13, line 4 - page 18, line 11. Claims 22, 23, 25 and 27 are amended for form and/or dependency. No new matter is added.

The courtesies extended to Applicant's representative by Examiner Chuo at the interview held September 23, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

The Office Action objects to the title for allegedly not being adequately descriptive. As agreed during the personal interview, the amended title is adequately descriptive. Applicant thus respectfully requests withdrawal of the objection.

The Office Action objects to claim 22 for a minor formality. By this Amendment, claim 22 is amended as suggested by the Office Action. Applicant thus respectfully requests withdrawal of the objection.

The Office Action rejects claims 17, 20-29 and 32 under 35 U.S.C. §112, second paragraph as allegedly being indefinite. As agreed during the personal interview, the amended claims overcome the rejection by replacing the words "estimates" and "estimating" with "determines" and "determining," respectively. Applicant thus respectfully requests withdrawal of the rejection.

The Office Action rejects claims 17, 18, 20-22, 24-30 and 32 under 35 U.S.C. §102(e) over Yoshida et al. (WO 2004/049488). The rejection is respectfully traversed.

During the personal interview, it was agreed that Yoshida does not explicitly disclose each and every feature of amended independent claims 20 and 32, for example, "consumption amount determining means for determining a consumption amount of the oxidization gas on the cathode side by the obtained gas pressure decrease amount," as recited in independent claim 20; and "determining a consumption amount of the oxidation gas on the cathode side by the obtained gas pressure decrease amount ΔP ." (Emphasis added). Applicant thus respectfully requests withdrawal of the rejection.

The Office Action rejects claims 17, 19, 20, 23, 25-27, 31 and 32 under 35 U.S.C. §102(b) over Boehm et al. (U.S. Patent No. 6,461,751). The rejection is respectfully traversed.

Boehm does not teach every claimed feature of independent claim 32. Boehm does not teach "consumption amount determining means for determining a consumption amount of the oxidization gas on the cathode side by the obtained gas pressure decrease amount," as recited in independent claim 20; and "determining a consumption amount of the oxidation gas on the cathode side by the obtained gas pressure decrease amount ΔP ," as recited in independent claim 32. (Emphasis added).

As discussed during the personal interview, Boehm merely relates to a process of measuring a hydrogen concentration for determining whether oxidant starvation is occurring at a fuel cell cathode. (See col. 14, line 66 - col. 15, line 2 of Boehm). The disclosed method of Boehm simply measures a hydrogen concentration to determine whether oxidant starvation is occurring. (See *id.*). Therefore, Boehm does not teach determining a consumption amount of the oxidation gas on the cathode side by the obtained gas pressure decrease amount ΔP , as recited in independent claims 20 and 32. (Emphasis added).

Therefore, for at least these reasons, independent claims 20 and 32 are patentable over Boehm. Claims 22, 23 and 25-27 depend from independent claim 20, and are patentable for

at least their dependency on independent claim 20, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejection.

The Office Action rejects claims 18 and 30 under 35 U.S.C. §102(b) over Ueno et al. (U.S. Patent Application Publication No. 2001/0001287). The rejection is moot in view of the cancellation of claims 18 and 30. Applicant thus respectfully requests withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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